

CENTER FOR EDUCATIONAL PRIORITIES

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"It takes a whole village to raise a child." — African Proverb

November 14, 1995

Federal Communications Commission
Office Of The Secretary
1919 M Street NW
Washington, DC 20554

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Dear Secretary of the FCC,

Please find enclosed ten coppies of our "Reply Comments" respectfully submitted to be filed under the FCC Docket # 93-48.

Please record and distrbute as appropriate. Thanks for your time.

Sincerely,



Brian Burke

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**CEP Reply Comments
FCC Docket # 93-48**

Offering a Reconciliation of Education and Television

November 15, 1995

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On behalf of:
The Center for Educational Priorities
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Please Note: This paper is an abridged version of the CEP review of comments, submitted today to meet the above deadline. The full text of our review will be available in approximately one month.

Introduction: A Review of Comments Before the FCC

General Conclusion: In a preliminary review¹ of comments filed before the Federal Communications Commission on the Kids' TV Debate, there appears but one clear and over-riding conclusion: ***little if anything has been resolved***. Between the comments filed by broadcasters and industry representatives such as those filed by the National Association of Broadcasters and comments filed by advocacy groups such as the Center for Media Education there lies a world of increasing estrangement and mutual distrust. The lines are hardened behind a wall of legal citations, surveys, and academic studies. Except for the general agreement on more "monitoring"² is a world of distinct positioning where compromises are seldom brokered and concessions seldom entertained. Few of the participants offer a common ground, a common language, or a common framework by which the issues may find ultimate reconciliation. The possibility of reconciliation thus becomes more and more remote.

However polarized the state of the current debate, CEP believes that there is still a great possibility for reconciliation. Such hope is conditioned, however, on the removal of particular attitudinal obstacles and the infusion of an atmosphere of cooperation where broadcasters and public advocacy groups speak a common language and are united in a common educational endeavor. What follows is a critical review of key proposals from both sides of the debate and concludes with our own recommendations for an ultimate reconciliation.

¹ This study was conducted by the Center for Educational Priorities and based on a review of comments filed with the FCC under docket #93-48. As of October 23, 1995 there were 596 records on the FCC computer which included hundreds of individual letters grouped in various folders as well as 42 key responses from major broadcasters, non-profit advocacy groups, and other organizations. Although our study focused on the comments of these forty-two key participants, it should be noted that a large plurality of individual letters grouped in various folders urged dramatic changes in television broadcasting and FCC rules. For example, of the 247 individual letters filed with the FCC between September 1 and October 23, 1995 only 22 comments defended the status quo, while 188 (or 90%) urged change.

² For example, CBS Inc and the NAB along with Children Now and Professor James T. Hamilton urge continued or increased monitoring of the industry, though databases, "constant vigilance" or more studies.

A Critical Synopsis of the Broadcasting Industry's Comments

In a review of major broadcast industry's comments³ there appears to be agreement that First Amendment rights clearly abrogate all prescriptive rules or quantitative standards for the industry. Such standards would, they assert, be tantamount to federal censorship. They propose that it is not the intent of Congress to so curtail the industry and, further, that the Supreme Court concurs. If left to its own devices, they conclude, and armed with new, emerging, digital technologies, and expanding cable offerings, the broadcast industry will eventually meet the "educational and informational" needs of America's children.

An Industry In Isolation from the Public: Although the broadcast industry's arguments are admirably rendered and with ample citations, as in the comments from the NAB, and to an major extent justified, they have the cumulative effect of strategically isolating the industry in what can only be described as a armed fortress that remains impervious to public responsibility. The cumulative effect is an annulment of common grounds, a refusal to speak in any other language but their own.

The fortress is particularly fortified against "outside" verification of their claims that programs they say are "educational" are indeed educational. There is frequent references to new programs such as Disney's "Bill Nye: The Science Guy" or "Gladiators 2000" as immediate proof of inherent educational values, but no verification of these claims are proffered. CBS Inc. asserts that "the Commission must make it clear that it will accept a licensee's reasonable judgment" as to what is or isn't educational. (CBS ,10/14/95, p 10)

Thus in many of the industry proposals there appears no common ground because broadcasters have cleared the forest and erected a legal fortress from which they create and maintain their own standards and hold themselves as the final arbiters on their public responsibilities.

³ Among the comments filed by the broadcast industry we refer specifically to the comments of the NAB, CBS, Inc. Capital Cities/ABC, NBC, Westinghouse, and Warner Bros. TV and recognize them as representative of the broadcast industry as a whole.

A Short Critical Synopsis of Public Advocacy Comments

In a review of public advocacy comments there was a general disagreement with broadcasters about quantitative standards. Many of the commentators, such as Children Now and Center for Media Education, held that in the light of the industry's historic refusal to comply with the public trust, quantitative standards⁴ were the only means by which the Children's Television Act could be enforced. They argue that fears of censorship among broadcasters are unwarranted and that quantitative standards, though requiring specific programs at specific hours, are nonetheless still compatible with First Amendment rights.

The fears of the broadcasters are hardly alleviated, however, when public advocacy groups such as the lead CME fail to define or develop criteria that will establish exactly what they mean when they demand "educational programming." This failure is exacerbated by a refusal to consider the consequences of such programming demands on either the broadcasters or children. Similarly they are silent on the possible effects labeling programs as educational might have on young viewers. Such failures leaves the broad field of cooperation and common verification absent from the debate, or dominated by vague rhetorical flourishes, causing broadcasters to flee even further into their legal fortresses.

The Missing Element: A Common Ground

Missing from many of the comments from either the broadcasting industry and the public advocacy groups is a common ground, a language that they share in defining and resolving the issues. Because neither side has proposed such a common ground the participants remain isolated from each other, hurling general accusations and arguments that defy common understanding.

The Center for Educational Priorities offers the possibility that the **language of education** become the command ground upon which both sides may find reconciliation. Significantly, there is one universally accepted assumption in comments before the FCC: television can and should be educational. If this becomes our starting point, our common language, the issues also become, not isolated arguments, but mutual concerns.

⁴ Quantitative standards are the requirement that broadcasters air a minimum number of hours of "educational" programming per week.

The Language of Education As a Common Ground

What is the language of education? It is the language that teachers and educators around the country speak every day. It is the language parents and community members use when they speak of schools. The language of education utilizes terms such as learning objectives, lesson plans, reports, tests, and assessment. If broadcasters have an educational mandate, as is universally agreed, then perhaps they should join teachers and parents and speak the language of education. How else can one assess an educational enterprise than with educational tools?

The Advantage to Broadcasters: If we utilize the language of education as a common language, instead of quantitative or prescriptive standards, broadcasters will no longer live in fear of censorship and protected from First Amendment violations. Broadcasters, like individual schools, will be free to select their own objectives, and develop their own "lessons" using whatever ingredients of entertainment as they deem necessary, as Disney and others request in their comments.

The Advantage to Public Advocacy: With the language of education public advocacy will join broadcasters on common grounds, utilizing terms such as educational objectives, lesson plans, and assessment. They will be able to define specifically what is meant by educational programming by using the same terms educators use. They will be able to monitor broadcasters and verify their claims just as any citizen would evaluate their local school.

The Process of Education and Assessment: If broadcasters are to utilize the educational process they would speak and behave like educators, adopting general learning objectives, publishing lesson plans, and assessing their accomplishments. Like all public educational institutions they will be judged on their accomplishments through an assessment similar to that teachers use but of their own creation and appropriate to the television medium.

Education, Information, and the Free Market: If broadcasters were to utilize the language of education they would still program according to the dictates of free market forces. They would need only assess their accomplishments in selecting educational objectives and the effects their

lessons have on their audience of children. Such information would be provided to their audiences who will then be free to decide what to watch.

Increased Opportunities for Cooperation: The language of education offers numerous opportunities of cooperation, not the least of them a sense of commonality with teachers, parents, and educators, throughout the nation. Local schools may be adopted by local broadcasting stations and common objectives developed and assessment performed as a mutual enterprise. The Maine Broadcasting System, for example, already conceives of its educational mission as a public "campaign" involving the whole community.